IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Crl.MC.No. 421 of 2007()

(CR.NO.27/2006OF EXCISE RANGE OFFICE, THIRUVANANTHAPURAM)

PETITIONER: ACCUSED NO.1 & 2

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1. RAJAN, S/O. VELAPPAN,
PAYATTUVILA THOTTARIKATHU PUTHENVEEDU,
PAYATTUVILA DESOM, KOTTUKAL VILLAGE,
NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT.

2. SREEKUMAR, S/O. SREENIVASAN,
SREENILAYAM, PUTHENCODE DESOM, MELTHONNAKKAL
VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
THIRUVANANTHAPURAM, BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.421 of 2007

Dated this the 20th day of March, 2007

ORDER

The learned counsel for the petitioner prays. The learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol exceeds 8.1% by volume cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of Crime No.27 of 2006 of Excise Range Office, Trivandrum against the petitioner is hereby quashed.

(R.BASANT, JUDGE)

rtr/-